

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**THIRD JOINT INFORMATIVE MOTION TO NOTIFY SCHEDULE OF UPCOMING  
DEPOSITIONS AND PROCEDURES FOR ATTENDANCE OF THE SAME**

**To the Honorable United States District Judge Laura Taylor Swain:**

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of debtors the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and collectively with the Commonwealth and ERS, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> the Puerto Rico Fiscal

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101-2241.

Agency and Financial Advisory Authority (“AAFAF” and, together with the Oversight Board, the “Government Parties”), AmeriNational Community Services, LLC (the “Servicer”), as servicer for the GDB Debt Recovery Authority (the “DRA”), and Cantor-Katz Collateral Monitor LLC, which serves as the collateral monitor for Wilmington Trust, N.A. in connection with the new bonds issued by the DRA<sup>3</sup> (the “Collateral Monitor,” and together with the Servicer, collectively, the “DRA Parties”, and jointly with the Government Parties, the “Parties”) respectfully submit this third joint informative motion (the “Third Joint Motion”) setting forth the current schedule of upcoming depositions in connection with confirmation of the *Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico* [Dkt. No. 17627] (as it may be amended, modified, or supplemented, the “Plan”), and in compliance with the *Amended Order Establishing Procedures and Deadlines Concerning Objection to Confirmation and Discovery in Connection Therewith* [Dkt. No. 18394] (the “Amended Confirmation Procedures Order”).

### **NOTICE**

1. The Amended Confirmation Procedures Order establishes (i) the deadline by which parties shall serve Initial Notices of Deposition<sup>4</sup> as well as Follow-Up Deposition Notices (jointly, the “Depositions”); (ii) requires that Eligible Creditors, PSA Parties, and parties in interest (jointly, the “Deposition Parties”) shall receive notice of said Depositions; and (iii) outlines the Deposition Parties’ respective rights regarding participation and/or attendance in these Depositions. *See* Amended Confirmation Procedures Order ¶¶ 3, 13, 16.

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<sup>3</sup> The DRA bonds were issued pursuant to the *Government Development Bank for Puerto Rico Debt Restructuring Act*, Act No. 109-2017, as amended by Act No. 147-2018.

<sup>4</sup> Capitalized terms not defined herein shall have the meaning ascribed to them in the Amended Confirmation Procedures Order.

2. This Third Joint Motion supplements the schedule of depositions provided in the *Joint Informative Motion to Notify Schedule of Upcoming Depositions and Procedures for Attendance of the Same* [Dkt. No. 18367] (the “First Joint Motion”) and the *Second Joint Informative Motion to Notify Schedule of Upcoming Depositions and Procedures for Attendance of the Same* [Dkt. No. 18451] (the “Second Joint Motion”). Since the First and Second Joint Motions were filed, the Parties have scheduled additional Depositions. In order to ensure the Deposition Parties are able to participate in or observe these Depositions, the Parties herein set forth agreed-upon dates, times, and procedures for the Depositions. The Parties intend to file subsequent informative motions as needed to notify the Court of additional Depositions if and when they are scheduled:

<b><u>Name of Deponent:</u></b>	<b><u>Deposition Date:</u></b>	<b><u>Confidential:</u></b>
Lizette Martinez <sup>5</sup>	October 18, 2021 at 11:00 AM AST	Yes
David W. Prager	October 19, 2021 <sup>6</sup> at 9:30 AM AST	Yes
Ernst & Young LLP	October 20, 2021 <sup>7</sup> at 9:30 AM AST	Yes

3. Deposition Parties who wish to attend the Depositions are required to register their attendance by sending an email to [promesadepositions@veritext.com](mailto:promesadepositions@veritext.com) at least 48 hours prior to the commencement of any deposition. The Deposition Parties must state in the email whether they will be attending as either (i) a “Participant” or (ii) an “Observer” as defined in the First Joint Motion.

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<sup>5</sup> Lizette Martinez’s deposition was included in the schedule set forth in the Second Joint Motion. The scheduled date for her deposition is included herein as well for the avoidance of doubt.

<sup>6</sup> Subject to the Court granting *Urgent Joint Motion Regarding Deposition of David W. Prager*, dated October 14, 2021, which is being filed contemporaneously herewith.

<sup>7</sup> Subject to the Court granting *Urgent Joint Motion Regarding Rule 30(b)(6) Deposition of Financial Oversight and Management Board for Puerto Rico* [Dkt. No. 18482], dated October 13, 2021.

4. The procedures set forth in the First Joint Motion, as well as the Remote Deposition Protocol attached thereto as Exhibit A [ECF No. 18367-1], will apply to all Depositions listed above and any future Depositions that are scheduled in connection with confirmation of the Plan.

*[Remainder of Page Intentionally Left Blank]*

Dated: October 15, 2021.  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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**CERTIFICATE OF SERVICE**

I hereby certify that, on October 15, 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer—  
Hermann D. Bauer